

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric
Company (U 902-E) for an Order Implementing
Assembly Bill 265.

Application 00-10-045
(Filed October 24, 2000)

Application of San Diego Gas & Electric
Company (U 902-E) for Authority to Implement
an Electric Rate Surcharge to Manage the Balance
in the Energy Rate Ceiling Revenue Shortfall
Account.

Application 01-01-044
(Filed January 24, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING (1) ON UCAN'S MOTION TO
RESITUATE AND RESCHEDULE PRELIMINARY AND EVIDENTIARY
HEARINGS, (2) ON UCAN'S SUPPLEMENTAL NOTICE OF INTENT TO
CLAIM COMPENSATION, AND (3) DIRECTING PRODUCTION OF EXHIBIT
COMPILING RESPONSES TO ENERGY DIVISION DATA REQUESTS**

NOTICE IS HEREBY GIVEN that an additional day of hearing is set for
Monday, July 1, 2002 at 9:30 a.m. in the San Diego State Office Building,
Auditorium, 1350 Front Street, Room B-109, San Diego, California.

1. UCAN's Motion re Hearings Dates and Site

By motion dated May 29, 2002, Utility Consumers' Action Network
(UCAN) requests that the procedural schedule established by the March 28, 2002
ruling be revised. In particular, UCAN requests that the evidentiary hearings
set for this month in San Francisco be held in San Diego three weeks later.

San Diego Gas and Electric Company (SDG&E) and Federal Executive Agencies (FEA) filed timely responses to the UCAN motion.¹

Although neither SDG&E nor FEA objects to rescheduling the hearings to a later date, they have indicated that there are scheduling conflicts with other proceedings and witness availability considerations that would interfere with rescheduling the hearings to either the week of July 15-19 as proposed by UCAN or the week of July 22-26 as proposed by SDG&E in its response. Moreover, other scheduling considerations preclude setting hearings for the following two weeks, and rescheduling the hearings to a later date in August would jeopardize timely completion of this proceeding.

However, it is not necessary to reschedule the hearings. Apart from accommodating its customer witnesses, UCAN has not demonstrated a need to move the prehearing conference or the scheduled evidentiary hearings to San Diego. UCAN's request to schedule hearings in San Diego for customer testimony can be fulfilled by keeping the hearings that are scheduled for the week of June 24-28 in San Francisco on calendar and scheduling an additional day in San Diego on Monday July 1, 2002 to hear UCAN's customer witnesses.

2. UCAN's Supplemental Notice of Intent

On May 29, 2002 UCAN submitted a supplement to its Notice of Intent to Claim Compensation (NOI) in this proceeding. UCAN submitted its original NOI on October 5, 2001. In a ruling issued on October 30, 2001 I found UCAN eligible to file for an award of compensation at the conclusion of this proceeding, provided that UCAN must include with any compensation request that it submits in this proceeding a showing of significant financial hardship.

¹ By ruling dated June 4, 2002, the time for responses to UCAN's motion was shortened to June 6, 2002.

In its supplemental request, UCAN states that it offers the supplemental information so that all parties and the Commission can be fully informed about UCAN's planned intervention in the upcoming phase of this proceeding.

Rule 76.76 of the Commission's Rules of Practice and Procedure provides that a customer found eligible for an award of compensation in one phase of a proceeding remains eligible in later phases, including any rehearing, in the same proceeding. Since UCAN was previously found eligible for an award of compensation in this proceeding, it is not necessary to rule on UCAN's supplemental information.

3. Data Responses

The Commission's Energy Division has propounded a series of data requests to SDG&E that pertain to the intermediate term contracts at issue in this proceeding and the Assembly Bill 265 balancing account undercollection also at issue.² In the interests of developing a full record in this proceeding, it appears that it will be beneficial to have SDG&E's responses to Energy Division's data requests included in the evidentiary record. SDG&E will be directed to compile the referenced Energy Division data requests and SDG&E's responses into an exhibit and to serve the exhibit on parties not later than June 18, 2002. SDG&E shall authenticate the data responses by affidavits.

IT IS RULED that:

1. Utility Consumers' Action Network's Motion to Resituate and Reschedule Preliminary and Evidentiary Hearings is granted in part and in all other respects is denied. An additional day for evidentiary hearings is set in San Diego on

² The Energy Division data requests are dated February 8, 2002, February 19, 2002, March 28, 2002, April 23, 2002, and May 22, 2002.

July 1, 2002, and in all other respects the schedule set forth in the March 28, 2002 Assigned Commissioner's Ruling stands without modification.

2. San Diego Gas and Electric Company (SDG&E) shall compile the Energy Division data requests dated February 8, 2002, February 19, 2002, March 28, 2002, April 23, 2002, and May 22, 2002 and SDG&E's responses into an exhibit, and serve the exhibit on parties not later than June 18, 2002. SDG&E shall authenticate the data responses by affidavits of those responsible for preparing the responses.

Dated June 12, 2002, at San Francisco, California.

/s/ MARK W. WETZELL

Mark S. Wetzell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling (1) On UCAN's Motion to Resituate and Reschedule Preliminary and Evidentiary Hearings, (2) On UCAN's Supplemental Notice of Intent to Claim Compensation, and (3) Directing Production of Exhibit Compiling Responses to Energy Division Data Requests on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated June 12, 2002, at San Francisco, California.

/s/ JACQUELINE GORZUCH
Jacqueline Gorzuch

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.